REMARKS

Claim 4 is amended to address an informality. Claims 4-30 and 32-34 remain pending.

The Examiner has objected to claim 9 for failing to further limit the subject matter of the independent claim. In particular, the Examiner states that claim 9 "recites, verbatim, the last limitation of parent claim 7." *See* Office Action, page 2. The Applicants respectfully disagree. The parent claim 7 calls for determining "one or more" discrete number of frequency channels for transmission. In contrast, claim 9 specifies determining a "plurality of" discrete number of frequency channels. Accordingly, dependent claim 9 further defines the subject matter of independent claim 7. The Applicants thus respectfully request that the objection be withdrawn.

The Examiner rejects claims 4, 6-20 and 32-34 under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent 5,790,536 (***Mahany***), in view of U.S. Patent 6,377,608 B1 (***Zyren***). Claim 4, among other things, specifies that the first-tier base station communicates to the combination unit one or more discrete number of frequency channels that are utilized by the combination unit to communicate with the wireless device. Thus, claim 4 calls for the first-tier base station to provide (1) one or more discrete number of frequency channels to the combination unit, where one or more of these channels are then (2) utilized by the combination unit to communicate with the wireless device. The Examiner acknowledges that ***Mahany*** does not teach this claimed feature, but asserts that it is taught by ***Zyren***.

Zyren is directed to avoiding interferences in WLAN communications that may otherwise be caused by non-WLAN devices (referred to as "ad hoc network radios" in the reference). ***Zyren***, col. 1, lines 6-17. An example of an "ad hoc network radio" is a Bluetooth device. *Id.* at

1:45. In ***Zyren***, the beacon signal is transmitted to ad hoc network radios (devices that are not part of the WLAN 20) to alert such devices of the potential of interference with the WLAN. ***Zyren***, col. 1, lines 59-67. ***Zyren*** emphasizes that no changes need to be made to the devices on the WLAN-side to avoid interference; rather, the changes are made to the ad hoc network radios, which are equipped with the capability to look for the beacon signal and to consequently avoid the interference with the WLAN. *Id.* at col. 41-50.

The Examiner argues that ***Zyren*** supplies the missing feature in ***Mahany*** because it discloses an access point 21 that uses a beacon generator 80 to transmit a hop sequence used for communications in the WLAN 20. *See* Office Action, pp. 3 and 14. According to the Examiner, the "access point (i.e., base station) contains the beacon generator which informs the combination units which frequencies to use through the beacon signal." *Id.* at page 3. The Examiner's argument is erroneous. Contrary to the Examiner's assertions, the access point in ***Zyren*** does not communicate which frequency channels may be utilized by the combination unit for communications with a wireless device. Stated differently, the beacon signal of ***Zyren*** does not include one or more channels that are then utilized for communication. Instead, ***Zyren*** discloses transmitting a hop sequence that is employed by a WLAN network to the ad hoc network radio (the non-network device.). Based on the hopping sequence of the WLAN network, the ad hoc network radio can determine an appropriate action to take, including shutting down, switching to a lower-power, etc. ***Zyren***, col. 2, lines 51-54. In contrast, claim 4 calls for providing one or more discrete number of frequency channels to the combination unit, where one or more of these channels are then utilized by the combination unit to communicate with the wireless device.

Like ***Zyren***, ***Mahany*** also fails to teach this claimed feature. For this reason, claim 4 and its dependent claims are allowable.

Claim 7 is also allowable over ***Zyren*** and ***Mahany*** because these references, whether considered alone or in combination, fail to teach coordinating between a device using the second communication protocol and a transmitting device transmitting via the first communication protocol to determine one or more discrete number of frequency channels that will not be used by the first communications protocol. Moreover, claims depending from claim 7 are also allowable for this additional reason.

Claim 15 is allowable over the cited references because ***Mahany*** and ***Zyren*** (when considered alone or in combination) at least do not teach or suggest the first-tier base station and the second-tier base station coordinate to determine the one or more discrete number of frequency channels that will not be used by the first communications protocol. Thus, for at least this reason, claim 15 and its dependent claims are allowable.

Claims 33 and 34 are also allowable over the cited references because they at least fail to teach or disclose coordinating to determine a plurality of discrete number of frequency channels that will be used by the first communications protocol and transmitting via the second communications protocol using one or more discrete number of frequency channels other than those used by the first communications protocol.

In light of the arguments presented above, Applicants respectfully assert that the pending claims are allowable. Accordingly, a Notice of Allowance is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Houston, Texas telephone number (713) 934-4064 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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